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ATTORNEY GENERAL OF NEW JERSEY

FILED

FEB 08 1993

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NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF CHIROPRACTIC EXAMINERS

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IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :

Administrative Action

CONSENT ORDER

JAY P. JACOBSON, D.C. :

License No. MC 1218 :

TO PRACTICE CHIROPRACTIC IN THE :  
STATE OF NEW JERSEY :

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THIS MATTER was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information that respondent Jay P. Jacobson, D.C. (hereinafter "respondent"), has been engaged in conduct essentially constituting insurance fraud and other illegal activity. Respondent was charged by Accusation No. 94-02-00213A. On February 17, 1994, respondent waived indictment and trial by jury, and pled guilty to theft by deception in an amount over \$500 in violation of N.J.S.A. 2C:20-4a. Upon entry of the plea respondent admitted that between September 20, 1987 and November 9, 1992, while engaging in the practice of chiropractic, he submitted false treatment claims to 21 different insurance carriers for 38 different patients. Said claims were false in

that the services charged for had not in fact been provided.

On May 20, 1994, respondent was sentenced by the Honorable Walter R. Barisonek, J.S.C., Superior Court of New Jersey, Union County, Elizabeth, New Jersey, to receive probation for the term of three years and to pay \$55,000 in restitution and \$7,500 in fines for a total of \$62,500. Respondent was also required to serve 200 hours of community service.

Respondent appeared with counsel, Richard T. Rapone, Esq., of the law firm of Nashel, Kates, Modarelli, Nussman, Rapone & Ellis, P.C., before the Preliminary Investigation Committee of the Board on August 18, 1994. In addition, respondent's former associate, Lisa Capanna-Kovacs, D.C., appeared before the Committee on August 16, 1994.

The Board has reviewed the entire record in this matter including the investigation conducted by the Enforcement Bureau, information provided to the Board by the Union County Prosecutor's office, as well as documents provided by the Clerk of Union County relative to the criminal action resulting in respondent's plea of guilty to the above stated charges.

The parties being desirous of resolving this matter without the necessity for formal proceedings, and it appearing that respondent Jay P. Jacobson, D.C., acknowledges the findings of the Board previously set forth as constituting grounds for disciplinary action, pursuant to N.J.S.A. 45:1-21 (b), (c), and (f), and it appearing that the Board finds that the within Order is adequately protective of the public interest, and it further appearing that good cause exists for the entry of the within Order,

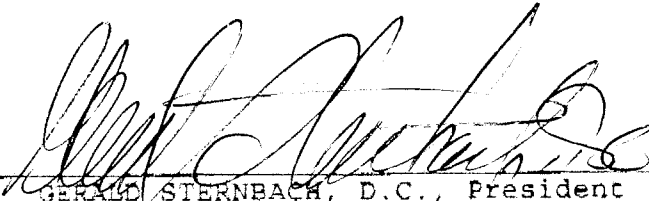
IT IS on this 8<sup>th</sup> day of February, 1996,  
ORDERED, that:

1. Jay P. Jacobson, D.C., is hereby suspended from the practice of chiropractic in the State of New Jersey for a five (5) year period. This period of suspension shall commence within thirty (30) days of the date of this order. Dr. Jacobson shall observe the provisions for chiropractors whose licenses have been suspended or revoked, a copy of which is attached hereto and made a part hereof.

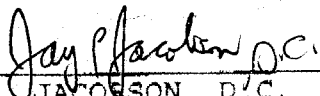
2. Jay P. Jacobson, D.C., shall pay investigative costs in the amount of \$775.03. Such costs to be paid within sixty (60) days of the date of this order.

## NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By:

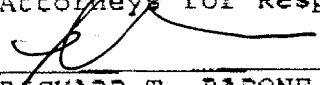
  
GERALD STERNBACH, D.C., President

I have read the terms of the within Order. I understand them and I agree to be bound by them. Consent to entry of this Order is hereby given.

  
JAY P. JACOBSON, D.C.

Consent is given to the form and entry of the within Order.

NASHEL, KATES, MODARELLI,  
NUSSMAN, RAPONE & ELLIS, P.C.  
Attorneys for Respondent

  
RICHARD T. RAPONE, ESQ.